

**FEIN, SUCH, KAHN & SHEPARD, PC.**

Counsellors at Law  
7 Century Drive - Suite 201  
Parsippany, New Jersey 07054  
(973) 538-9300  
Attorneys for Secured Creditor  
MELISSA N. LICKER, ESQ. (ML-5973)  
YBOA117

IN RE:

ROBERT P. DIMONE and  
DARLENE DIMONE

Debtors.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Chapter : 13

Case No. 09-15889 NLW

**CERTIFICATION BY MORTGAGEE  
(Default in Chapter 13 Payments  
Outside of Plan)**

Hearing Date: November 2, 2009

I, Luanne M. Polak, hereby deposes and says:

1. I am the Vice President of BANK OF AMERICA, N.A..
2. Date Debtors' petition was filed on March 11, 2009.
3. Amount of Debtors' monthly mortgage payment **\$2,530.91**.
4. Debtors' last mortgage payment was applied to 06/01/09.
5. Debtors should have made 6 payments outside of the plan since the date of the filing petition.
6. Since the date of the filing, Debtors has made 3 payments.
7. Debtors is behind 4 months in payments outside of the plan, through the payment due October 01, 2009.
8. The total amount of delinquency outside of the plan is \$10,123.64. That amount is computed in the following manner:  
$$\$2,530.91 \times 4 = \$10,123.64 \text{ (07/01/09 - 10/01/09 Monthly)}$$

payments).

9. The figures contained in this certification are current as of payment received on or before October 01, 2009

10. Attached are true copies of the documents.

11. I hereby certify that the foregoing statements made by me and the attached Local Form 16 are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: September 30, 2009

/s/Luanne M. Polak

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
Caption in Compliance with D.N.J. LBR 9004-2(c)

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In Re:

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Debtors.

Case No.: 09-15889 NLW

Adv. No.:

Hearing Date: November 2, 2009

Judge: Honorable Novalyn L.  
Winfield

**CERTIFICATION RE CALCULATION OF AMOUNTS DUE  
NOTE AND MORTGAGE**

Luanne M. Polak of full age, as Vice President by BANK OF AMERICA, N.A., hereby  
certifies the following information:

Recorded on October 4, 2006 in BERGEN County, in Book 16299 at Page 279

Property Address: 11 SUNDERLAND AVE, RUTHERFORD, NJ 07070

Mortgage Holder: BANK OF AMERICA, N.A.

**I. PAYOFF STATEMENT**

Unpaid Principal Balance \_ \_ \_ \_ \_ \$294,724.36  
Interest \_ \_ \_ \_ \_ \$14,396.45  
Escrow Advance \_ \_ \_ \_ \_ \$7,471.52  
Accumulated Late Charges \_ \_ \_ \_ \_ \$253.29  
Total fees \_ \_ \_ \_ \_ \$50.00  
Other fees due \_ \_ \_ \_ \_ \$20.00  
TOTAL DUE AS OF 09 / 17 / 09 \_ \_ \_ \_ \_ \$316,915.62

**II. EQUITY ANALYSIS(When Appropriate)**

Estimated fair market value of real estate(as of 03/11/09)\_ \$285,000.00\*

Liens on the real estate:

1. Real estate taxes as of \_\_\_\_\_ \$ \_\_\_\_\_

2. First Mortgage

as of 09/17/09 \$316,915.62

3. Second Mortgage

as of \_\_\_\_\_ \$ \_\_\_\_\_

4. Other(specify on separate exhibit) \$ \_\_\_\_\_

**TOTAL LIENS \_ \_ \_ \_ \_ (\$316,915.62)**

**APPARENT EQUITY AS OF 09 / 20 / 09 \_ \_ \_ \$ 0 \*\***

\*Source: SCHEDULE (e.g. appraisal, tax bill/assessment, contract of sale, debtor's schedules, etc.)

\*\*If negative, insert zero(0).

I certify under penalty of perjury that the foregoing is true and correct.

Dated: September 30, 2009

/s/Luanne M. Polak

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
Caption in Compliance with D.N.J. LBR 9004-2(c)

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**CERTIFICATION RE POST PETITION PAYMENT HISTORY  
ON THE NOTE AND MORTGAGE**

Luanne M. Polak of full age, as Vice President by BANK OF AMERICA, N.A., hereby  
certifies the following information:

Recorded on October 4, 2006 in BERGEN County, in Book 16299 at Page 279

Property Address: 11 SUNDERLAND AVE, RUTHERFORD, NJ 07070

Mortgage Holder: BANK OF AMERICA, N.A.

Mortgagors/Debtors: ROBERT P. DIMONE and DARLENE DIMONE

POST PETITION PAYMENTS (Petition filed on 03/11/09)

Amount Due	Date Payment Was Due	How Payment Was Applied (Mo/Yr)	Amount Received	Date Payment Received	Check or Money Order Number
1. \$2,530.91	04/01/09	04/01/09	\$2877.84	04/06/09	unknown
2. \$2,530.91	05/01/09	05/01/09	\$2615.34	06/08/09	unknown
3. \$2,530.91	06/01/09	06/01/09	\$2530.91	06/16/09	unknown
4. \$2,530.91	07/01/09	N/A	\$0.00	N/A	N/A
5. \$2,530.91	08/01/09	N/A	\$0.00	N/A	N/A
6. \$2,530.91	09/01/09	N/A	\$0.00	N/A	N/A
TOTAL					

\*MONTHLY PAYMENTS PAST DUE: 4 x \$2,530.91 = \$10,123.64 (07/01/09 - 10/01/09 Monthly payments) ; (MONTHLY PAYMENTS) = \$10,123.64 AS OF October 01, 2009.

Each Monthly Payment is comprised of:

(Attach sheets if payment amounts varies from figures set forth below)

Principal & Interest .....\$1690.10  
Escrow .....\$840.81  
Total .....\$2530.91

If the monthly payment has changed during the pendency of the case, please explain (attach separate sheet(s) if necessary):

N/A

I certify under penalty of perjury that the foregoing is true and correct.

Dated: September 30, 2009

/s/Luanne M. Polak